JS 44 (Rev. 12/12)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. *(SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)*

I. (a) PLAINTIFFS

Grace Laphan, 465 Conger Avenue, Collingswood NJ 08108

(b) County of Residence of First Listed Plaintiff Camden County
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys *(Firm Name, Address, and Telephone Number)*
Joseph Oxman, Esquire; Oxman Goodstadt Kuritz P.C.
111 South Independence Mall East, Suite 740
Philadelphia PA 19106

DEFENDANTS

William Haines, Michael Langdale, David Montella, George Moore; 935 N. Providence Road, Media PA 19063
John Burgy; 211 Moria Place, Aston PA 19014
Upper Providence Township, 935 N. Providence Road, Media PA 19063

County of Residence of First Listed Defendant Delaware
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys *(If Known)*

II. BASIS OF JURISDICTION *(Place an "X" in One Box Only)*

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question *(U.S. Government Not a Party)*
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity *(Indicate Citizenship of Parties in Item III)*

III. CITIZENSHIP OF PRINCIPAL PARTIES *(Place an "X" in One Box for Plaintiff and One Box for Defendant)*

(For Diversity Cases Only)

	PTF	DEF		PTF	DEF
Citizen of This State	☐ 1	☒ 1	Incorporated *or* Principal Place of Business In This State	☐ 4	☐ 4
Citizen of Another State	☒ 2	☐ 2	Incorporated *and* Principal Place of Business In Another State	☐ 5	☐ 5
Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6

IV. NATURE OF SUIT *(Place an "X" in One Box Only)*

CONTRACT
- ☐ 110 Insurance
- ☐ 120 Marine
- ☐ 130 Miller Act
- ☐ 140 Negotiable Instrument
- ☐ 150 Recovery of Overpayment & Enforcement of Judgment
- ☐ 151 Medicare Act
- ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans)
- ☐ 153 Recovery of Overpayment of Veteran's Benefits
- ☐ 160 Stockholders' Suits
- ☐ 190 Other Contract
- ☐ 195 Contract Product Liability
- ☐ 196 Franchise

REAL PROPERTY
- ☐ 210 Land Condemnation
- ☐ 220 Foreclosure
- ☐ 230 Rent Lease & Ejectment
- ☐ 240 Torts to Land
- ☐ 245 Tort Product Liability
- ☐ 290 All Other Real Property

TORTS

PERSONAL INJURY
- ☐ 310 Airplane
- ☐ 315 Airplane Product Liability
- ☐ 320 Assault, Libel & Slander
- ☐ 330 Federal Employers' Liability
- ☐ 340 Marine
- ☐ 345 Marine Product Liability
- ☐ 350 Motor Vehicle
- ☐ 355 Motor Vehicle Product Liability
- ☐ 360 Other Personal Injury
- ☐ 362 Personal Injury - Medical Malpractice

PERSONAL INJURY
- ☐ 365 Personal Injury - Product Liability
- ☐ 367 Health Care/ Pharmaceutical Personal Injury Product Liability
- ☐ 368 Asbestos Personal Injury Product Liability

PERSONAL PROPERTY
- ☐ 370 Other Fraud
- ☐ 371 Truth in Lending
- ☐ 380 Other Personal Property Damage
- ☐ 385 Property Damage Product Liability

CIVIL RIGHTS
- ☒ 440 Other Civil Rights
- ☐ 441 Voting
- ☐ 442 Employment
- ☐ 443 Housing/ Accommodations
- ☐ 445 Amer. w/Disabilities Employment
- ☐ 446 Amer. w/Disabilities Other
- ☐ 448 Education

PRISONER PETITIONS

Habeas Corpus:
- ☐ 463 Alien Detainee
- ☐ 510 Motions to Vacate Sentence
- ☐ 530 General
- ☐ 535 Death Penalty

Other:
- ☐ 540 Mandamus & Other
- ☐ 550 Civil Rights
- ☐ 555 Prison Condition
- ☐ 560 Civil Detainee - Conditions of Confinement

FORFEITURE/PENALTY
- ☐ 625 Drug Related Seizure of Property 21 USC 881
- ☐ 690 Other

LABOR
- ☐ 710 Fair Labor Standards Act
- ☐ 720 Labor/Management Relations
- ☐ 740 Railway Labor Act
- ☐ 751 Family and Medical Leave Act
- ☐ 790 Other Labor Litigation
- ☐ 791 Employee Retirement Income Security Act

IMMIGRATION
- ☐ 462 Naturalization Application
- ☐ 465 Other Immigration Actions

BANKRUPTCY
- ☐ 422 Appeal 28 USC 158
- ☐ 423 Withdrawal 28 USC 157

PROPERTY RIGHTS
- ☐ 820 Copyrights
- ☐ 830 Patent
- ☐ 840 Trademark

SOCIAL SECURITY
- ☐ 861 HIA (1395ff)
- ☐ 862 Black Lung (923)
- ☐ 863 DIWC/DIWW (405(g))
- ☐ 864 SSID Title XVI
- ☐ 865 RSI (405(g))

FEDERAL TAX SUITS
- ☐ 870 Taxes (U.S. Plaintiff or Defendant)
- ☐ 871 IRS—Third Party 26 USC 7609

OTHER STATUTES
- ☐ 375 False Claims Act
- ☐ 400 State Reapportionment
- ☐ 410 Antitrust
- ☐ 430 Banks and Banking
- ☐ 450 Commerce
- ☐ 460 Deportation
- ☐ 470 Racketeer Influenced and Corrupt Organizations
- ☐ 480 Consumer Credit
- ☐ 490 Cable/Sat TV
- ☐ 850 Securities/Commodities/ Exchange
- ☐ 890 Other Statutory Actions
- ☐ 891 Agricultural Acts
- ☐ 893 Environmental Matters
- ☐ 895 Freedom of Information Act
- ☐ 896 Arbitration
- ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision
- ☐ 950 Constitutionality of State Statutes

V. ORIGIN *(Place an "X" in One Box Only)*

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District *(specify)*
- ☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing **(Do not cite jurisdictional statutes unless diversity)**:
42 U.S.C.A. Section 1983

Brief description of cause:
1983 Civil Rights Case

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A **CLASS ACTION** UNDER RULE 23, F.R.Cv.P.

DEMAND $

CHECK YES only if demanded in complaint:
JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE ____ DOCKET NUMBER ____

DATE 07/02/2014

SIGNATURE OF ATTORNEY OF RECORD [signature]

FOR OFFICE USE ONLY

RECEIPT # ____ AMOUNT ____ APPLYING IFP ____ JUDGE ____ MAG. JUDGE ____

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CASE MANAGEMENT TRACK DESIGNATION FORM

Grace Laphan	:	CIVIL ACTION
	:	
v.	:	
Sgt. William Haines, Sgt. Michael Langdale,	:	
Chief David Montella, Officer George Moore,	:	NO.
John Burgy and Upper Providence Township	:	

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

(a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ( )

(b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ( )

(c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ( )

(d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ( )

(e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) (X)

(f) Standard Management – Cases that do not fall into any one of the other tracks. ( )

07/02/2014	Joseph Oxman, Esquire	Grace Laphan
Date	**Attorney-at-law**	**Attorney for**
(215) 665-9999	(215) 569-8811	Oxmanj@ogklawyers.com
Telephone	**FAX Number**	**E-Mail Address**

(Civ. 660) 10/02

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 465 Conger Avenue, Collingswood, NJ 08108

Address of Defendant: 935 N. Providence Road, Media PA 19063 AND 211 Moria Place, Aston PA 19014

Place of Accident, Incident or Transaction: The Delaware County Alternative School's school bus
(*Use Reverse Side For Additional Space*)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?
(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a)) Yes☐ No ☒

Does this case involve multidistrict litigation possibilities? Yes☐ No ☒

RELATED CASE, IF ANY:
Case Number: ______ Judge ______ Date Terminated: ______

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?
Yes☐ No ☒
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?
Yes☐ No ☒
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court? Yes☐ No ☒
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?
Yes☐ No ☒

CIVIL: (Place ✔ in ONE CATEGORY ONLY)

A. *Federal Question Cases*:
1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☒ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☐ All other Federal Question Cases
(Please specify) ______

B. *Diversity Jurisdiction Cases*:
1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☐ Motor Vehicle Personal Injury
6. ☐ Other Personal Injury (Please specify)
7. ☐ Products Liability
8. ☐ Products Liability — Asbestos
9. ☐ All other Diversity Cases
(Please specify) ______

ARBITRATION CERTIFICATION

(*Check Appropriate Category*)

I, Joseph Oxman, counsel of record do hereby certify:

☐ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of $150,000.00 exclusive of interest and costs;

☐ Relief other than monetary damages is sought.

DATE: 07/02/2014 ______ Attorney-at-Law 207956 Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 07/02/2014 ______ Attorney-at-Law 207956 Attorney I.D.#

CIV. 609 (5/2012)

OXMAN, GOODSTADT, & KURITZ
BY: **JOSEPH S. OXMAN, ESQUIRE**
IDENTIFICATION NO: 207956
111 South Independence Mall East, Suite 740
Philadelphia, PA 19106
(215) 665-9999
Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

GRACE LAPHAN 465 Conger Avenue Collingswood, NJ. 08108 Plaintiff, vs. **SGT. WILLIAM HAINES, SGT. MICHAEL LANGDALE, CHIEF DAVID MONTELLA, OFFICER GEORGE MOORE** 935 N. Providence Road Media, PA. 19063 **JOHN BURGY** 211 Moria Place Aston, PA. 19014 and **UPPER PROVIDENCE TOWNSHIP** 935 N. Providence Road Media, PA. 19063 Defendants.	**CIVIL ACTION NO.** **District Judge** **COMPLAINT FOR VIOLATIONS OF THE 4TH AMENDMENT OF THE CONSTITUTION OF THE UNITED STATES, SECTION 1983 OF THE CIVIL RIGHTS ACT, FALSE ARREST, FAILURE TO INVESTIGATE, FAILURE TO TRAIN DISCLIPLINE AND SUPERVISE UNDER MONNELL, WILLFUL MISCONDUCT, CONSPIRACY, MALICIOUS PROSECUTION, INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

Plaintiff, Grace Laphan, by way of Complaint against defendants says:

PARTIES

1. Plaintiff, Grace Laphan, is an adult individual and citizen of the State of New Jersey, residing in Collingwood.
2. Defendant, Upper Providence Township, was and still is a domestic municipal corporation duly organized and existing under and by virtue of the laws of the

State of Pennsylvania, with a principal place of business located at 935 North Providence Road, Media, PA. 19063.

3. Defendants, William Haines, Michael Langdale, David Montella and George Moore, were at all times relevant employees of the defendant, Upper Providence Township. At all times herein mentioned, defendants William Haines, Michael Langdale, David Montella and George Moore, were acting under the color of law and their individual capacity as police officers of the defendant, Upper Providence Township.

4. Defendant, John Burgy, is an adult individual and citizen of the State of Pennsylvania, residing in Aston.

JURISDICTION AND VENUE

5. The Court has jurisdiction over the lawsuit because the action arises under the Laws and Constitution of the United States, in particular, the Fourth Amendment and 42 U.S.C.A. § 1983. Plaintiff was deprived of her rights secured to her under the Constitution and the laws of the United States including, but not limited to, her right to be secure in her person and property and be free from unlawful arrests and seizures, when no probable cause exists. Plaintiff, Grace Laphan was arrested and charged, without probable cause. While being subjected to these violations, she suffered and sustained severe and permanent injuries to her person. Plaintiff, Grace Laphan, was falsely charged without probable cause and was falsely and maliciously prosecuted without any cause or legal justification.

6. The Court has supplemental jurisdiction under 28 U.S.C § 1367 over plaintiff's claims arising under State law, including but not limited to violations of her State

rights against defendants for, false arrest, failure to investigate, willful misconduct, conspiracy, malicious prosecution, and intentional infliction of emotional distress because these claims are so related to the claims within the Court's original jurisdiction that they form part of the same case or controversy under Article 3 of the United States Constitution.

7. Venue is proper in this Court pursuant to 28 U.S.C. §1391, as the claims at issue arose in this judicial district.

COMPLAINT
GENERAL ALLEGATIONS

8. The above paragraphs are repeated and incorporated herein by reference as if set forth in full.

9. Plaintiff and Defendant, John Burgy, jointly owned a residence located at 375 South Ridley Creek Road, Media, PA. 19063 (hereinafter referred to as "the property") which they bought together in 2002.

10. Sometime in 2011, the parties dissolved their relationship and litigation was initiated by both the plaintiff and Burgy regarding the division of "the property."

11. On December 29, 2011, plaintiff went to "the property" to remove personal items. Plaintiff inadvertently, by mistake, also removed some of Burgy's personal property.

12. Additionally, on December 29, 2011, defendant Burgy went to "the property" to retrieve personal property and noticed certain items that were missing which plaintiff had inadvertently removed. After noticing the missing items, Burgy called The Upper Providence Police and reported a burglary had taken place and that plaintiff was the perpetrator.

13. Shortly thereafter, defendant Officer Moore arrived at "the property" an instructed Burgy that the "the property" was jointly owned and that there was an agreement between Burgy and plaintiff to remove personal items from the residence. Moore also instructed Burgy that since "the property" dispute was a domestic issue, no criminal charges would be sought against the plaintiff. Officer Moore then contacted plaintiff who told Moore that she intended to return Burgy's personal items on January 5, 2012 at the Delaware County Court of Common Pleas where a hearing was scheduled regarding the litigation over "the property."

14. On January 11, 2012, defendant Officer Moore meet plaintiff at "the property" regarding an alarm code being changed by defendant Burgy without plaintiff's authorization. Plaintiff also showed Officer Moore that a majority of the furnishings in "the property" had been removed. Moore then advised plaintiff that "this is a civil issue and to contact her attorney in the morning."

15. On June 20, 2012, Judge Charles B. Burr, of the Delaware County Court of Common Pleas entered an order stated that defendant Burgy shall, within ten days of the above mentioned order, vacate "the property" immediately, return all furniture he wrongfully removed from "the property," return all personal property to the plaintiff including her diplomas and family photographs, remove all his debris, materials, supplies and equipment which he allowed to accumulate on the "the property" and shall endorse and turn over to the plaintiff a insurance proceeds check in the amount of $35,516.03, so that it would be applied to the mortgage on "the property." that "the property" would be listed for sale

immediately ***and that plaintiff shall be granted sole access to the property to prepare it for sale.***

16. On June 28, 2012, the plaintiff went to the Upper Providence Police Department and gave a copy of the above mentioned, June 20, 2012, court order to defendant Officer Langdale. Plaintiff also told defendant Langdale that defendant Burgy had vacated "the property" with exception of the garage. Plaintiff also told Officer Langdale that she wanted the police to have a copy of the order in the event that an incident occurred between her and Burgy.

17. On July 6, 2012, defendant Burgy called the Upper Providence Police and advised defendant Officer Haines that plaintiff was illegally removing items from "the property." Defendant Officer Moore then called Burgy and advised him of the court order which evicted him from the property and ***told Burgy to stay away from the property or he would be arrested. Additionally, Burgy was advised by defendant Officer Haines that the order allowed the plaintiff to clear the property for sale.***

18. Additionally on July 6, 2012, defendant Officer Haines was contacted Assistant District Attorney Chris Dirisoto, ***who advised Officer Haines that any vehicles on the property, regardless of title, could be removed by plaintiff to clear the property for sale and that plaintiff would have to safeguard the vehicles which she had done per the terms of the order.*** Defendant Officer Haines then called plaintiff and requested that she return the vehicles to the owners and if not possible to safeguard the vehicles until they could be returned.

19. On July 7, 2012, at approximately 10am, defendant Officer Moore observed defendant Burgy removing large amounts of items from "the property." Burgy was advised by numerous officers, including defendant Officer Moore that Burgy was in violation of the June court order but the officers, including defendant Moore, only suggested to Burgy to stop removing items from "the property" ***and did not arrest Burgy.***

20. Later that same day, at approximately 4pm, defendant Burgy was again illegally removing items from "the property." Defendant Officer Moore again confronted Burgy but did not arrest Burgy. Officer Moore then notified plaintiff that Burgy had been on "the property" illegally taking items.

21. After being notified that Burgy had been illegally taking items from "the property," plaintiff went to "the property" at approximately 7pm on July 7, 2012, and began removing defendant Burgy's personal property, including motor vehicles, and placing said personal property in storage until such time as "the property" was sold and defendant Burgy endorsed and turned over to the plaintiff a insurance proceeds check in the amount of $35,516.03 per the court order mentioned above.

22. On July 7, 2012, plaintiff gave a copy of a Protection from Abuse Order, signed by District Judge Diane Holefelder, to Officer Gary Essaf of the Upper Providence Police listing defendant Burgy as the subject of the stay away order.

23. On July 17, 2012, using his influence and personal relationship with defendant Chief David Montella, defendant Burgy was able to convince defendants Montella, Haines, and Langdale to file an illegal criminal complaint against the

plaintiff charging her with Felony Theft by unlawful Taking, Felony Receiving Stolen Property, and Misdemeanor Unauthorized use of Motor Vehicles.

24. On March 5, 2013, the plaintiff was found not guilty of all of the above mentioned charges by Delaware County Court of Common Pleas Judge John Capuzzi.

COUNT I
PLAINTIFF GRACE LAPHAN VS. OFFICERS WILLIAM HAINES, MICHAEL LANGDALE, DAVID MONTELLA AND GEORGE MOORE
THE RIGHT OF PEOPLE TO BE SECURE IN THEIR PERSONS UNDER THE 4th AMENDMENT OF THE UNITED STATES CONSTITUTION
FALSE ARREST AND MALICIOUS PROSECUTION UNDER SECTION 1983, CIVIL RIGHTS ACT

25. The allegations contained above are incorporated herein as though fully set forth.

26. The unlawful criminal arrest and prosecution of plaintiff by defendants' on July 6, 2012, constitute violations of plaintiff's constitutionally protected right to be secure in her person as provided by the 4th Amendment of the United States Constitution.

27. The arrest of plaintiff, by defendants, was carried out unlawfully, intentionally and maliciously, without just or probable cause, for the express purpose of trying to justify the illegal false arrest and malicious prosecution of plaintiff.

28. The arrest of plaintiff by defendants, violated her rights under the United States Constitution and the Laws of the State of Pennsylvania.

29. The actions of defendants as police officers were committed under color of and authority of defendant Upper Providence Township and its police department, and while acting in their individual capacity as police officers. The actions or inactions of the defendant police officers recklessly disregarded and therefore

deprived plaintiff of her rights under the Laws and Constitution of the United States, in particular, the Fourth Amendment and 42 U.S.C.A. § 1983, including but not limited to the right to be secure in this person, to be free from unlawful arrests.

COUNT II
PLAINTIFF GRACE LAPHAN VS. UPPER PROVIDENCE TOWNSHIP FAILURE TO TRAIN, SUPERVISE AND DISCIPLINE DEFENDANTS WILLIAM HAINES, MICHAEL LANGDALE, DAVID MONTELLA AND GEORGE MOORE UNDER MONNELL

30. The foregoing paragraphs are incorporated in this Count but will not be restated for the sake of brevity.

31. Defendant, Upper Providence Township and its police department, as a matter of policy and practice failed to discipline, train, supervise or otherwise sanction police officers William Haines, Michael Langdale, David Montella and George Moore who have violated the rights of citizens, including the plaintiff's, thus encouraging defendant Officers William Haines, Michael Langdale, David Montella and George Moore in this case to engage in the unlawful and actionable conduct described above.

32. Defendants, Upper Providence Township and its police department as a further matter of policy and practice failed to train properly its police officers William Haines, Michael Langdale, David Montella and George Moore, with respect to the constitutional, statutory and departmental limits of their authority.

33. The defendant, Upper Providence Township and its Police Department were on actual notice of a need to train, supervise, discipline or terminate defendant officers William Haines, Michael Langdale, David Montella and George Moore,

prior to the incident in question, as other similar incidents have occurred in the past involving the above mentioned officers.

COUNT III
PLAINTIFF GRACE LAPHAN VS. OFFICERS WILLIAM HAINES, MICHAEL LANGDALE, DAVID MONTELLA AND GEORGE MOORE
DUTY TO INVESTIGATE

34. The foregoing paragraphs are incorporated in this Count but will not be restated for the sake of brevity.

35. The above defendants failed to take basic required investigative steps in connection with establishing probable cause that plaintiff, Grace Laphan, was the perpetrator of the criminal charges listed above when the above defendants knew that plaintiff was granted sole access to "the property" to prepare it for sale and could safeguard all personal property located on "the property" until said real property was sold per court order. Further, the above defendants were additionally notified numerous times by court personnel and the District Attorney's Office that plaintiff was able to safeguard all personal property per court order which did not amount to the probable cause necessary to charge the plaintiff with criminal misconduct.

36. Defendants failed to investigate basic evidence, or otherwise inquire if the plaintiff committed the crimes she was charged with before invoking the power of arrest and prosecution.

COUNT IV
PLAINTIFF GRACE LAPHAN VS. JOHN BURGY, OFFICERS WILLIAM HAINES, MICHAEL LANGDALE, DAVID MONTELLA AND GEORGE MOORE AND UPPER PROVIDENCE TOWNSHIP
WILLFUL MISCONDUCT

37. The foregoing paragraphs are incorporated in this count but will not be restated for the sake of brevity.

38. Defendants intentionally and deliberately engaged in willful misconduct by abusing the lawful process by unlawful purpose, or by conspiring against plaintiff, or by interfering with plaintiff's state civil rights particularly regarding an unlawful arrest and prosecution.

COUNT V
PLAINTIFF GRACE LAPHAN VS. JOHN BURGY, OFFICERS WILLIAM HAINES, MICHAEL LANGDALE, DAVID MONTELLA AND GEORGE MOORE AND UPPER PROVIDENCE TOWNSHIP CONSPIRACY TO VIOLATE THE FEDERAL AND STATE CIVIL RIGHTS OF THE PLAINTIFF

39. The allegations contained above are incorporated herein as though fully set forth.

40. The above described actions constitute violations, by the above named defendants, who conspired among themselves to deprive the plaintiff of her state and constitutional rights particularly by conspiring against the plaintiff to falsify facts and criminal charges against her.

COUNT VI
PLAINTIFF GRACE LAPHAN VS. JOHN BURGY, OFFICERS WILLIAM HAINES, MICHAEL LANGDALE, DAVID MONTELLA AND GEORGE MOORE
MALICIOUS PROSECUTION

41. The foregoing paragraphs are incorporated in this Count but will not be restated for the sake of brevity.

42. The actions of defendants amount to a malicious prosecution under both 28 U.S.C. section 1983 and the Common Law of the State of Pennsylvania.

COUNT VII
PLAINTIFF GRACE LAPHAN VS. JOHN BURGY, OFFICERS WILLIAM HAINES, MICHAEL LANGDALE, DAVID MONTELLA AND GEORGE MOORE
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

43. The allegations contained above are incorporated herein as though fully set forth.

44. The above described illegal arrest and prosecution of the plaintiff constitutes an assault and battery by defendants, as a result of which plaintiff was injured and sustained severe and significant emotional distress.

PLAINTIFF GRACE LAPHAN VS. JOHN BURGY, OFFICERS WILLIAM HAINES, MICHAEL LANGDALE, DAVID MONTELLA, GEORGE MOORE AND UPPER PROVIDENCE TOWNSHIP
DAMAGES

45. The above paragraphs are repeated and incorporated herein by reference as if set forth in full.

46. As a direct and proximate result of the defendants' conduct, plaintiff suffered physical pain and suffering in the past and future, severe mental anguish in the past and future and was deprived of her State and Federal Constitutional Rights as aforementioned, and will suffer economic damages and was otherwise damaged.

47. The plaintiff has suffered and will suffer in the future from permanent residuals.

48. As a direct and proximate result of the defendants' conduct, plaintiff was fired from her teaching position and lost her teaching credentialing.

ATTORNEY FEES

49. It was necessary for plaintiff to hire the undersigned attorney to file this lawsuit. Upon judgment, plaintiff is entitled to an award of attorney fees and costs under 42 U.S.C. § 1988 (b).

PRAYER

50. The above paragraphs are repeated and incorporate herein by reference as if set forth in full.

51. Plaintiff demands judgment against defendants William Haines, Michael Langdale, David Montella and George Moore individually, jointly and/or in the alternative for: compensatory damages, punitive damages, attorney fees, interest and costs of suit and such relief as the Court may deem just and equitable.

52. Plaintiff demands judgment against defendant, Upper Providence Township, jointly and/or in the alternative for: compensatory damages, attorney fees, interest and costs of suit and such relief as the Court may deem just and equitable.

PLAINTIFF'S DEMAND FOR JURY TRIAL

53. Plaintiff asserts her rights under the Seventh Amendment to the U.S. Constitution and demands, in accordance with the Federal Rule 38, a trial by jury on all issues.

Respectfully submitted,

JOSEPH OXMAN, ESQUIRE
Attorney for Plaintiff

VERIFICATION

The undersigned hereby verifies that the within document is based on first-hand information and on information furnished to counsel and obtained by him in the course of this lawsuit. The language of the document is that of counsel and not of the affiant. To the extent that the contents of the document are based on information furnished to counsel and obtained by him during the course of this lawsuit, affiant has relied upon counsel in taking this verification. All statements are founded upon reasonable belief. This verification is made subject to the penalties of 18 Pa.C.S. Section 4904, relating to unsworn falsification to authorities.

PLAINTIFF